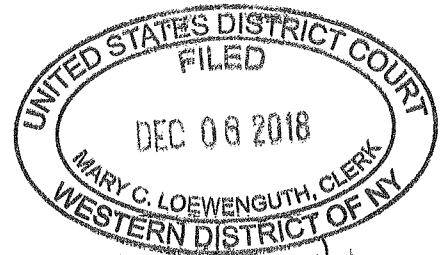


In the
US District Court
For the
Western District of New York

Carlos Bayon
V

USA;
Monroe County Jail;
PRIMEcare Medical, Inc;
OSHA

18 CV1423 W
Case #



Complaint

I am a 63 years old male incarcerated in the above mentioned facility on Federal Charges. Since arriving here on or about 10/23/2018 I have received inadequate medical care for my diabetes and hypertriglyceredemia and a fungal infection of my toes that it is under the nails. I have also a history of cancer and the Doctor here, Dr. Fletcher, has refused to send me to a dermatologist to evaluate suspicious looking moles. Dr. Fletcher refuses to consult with my endocrinologist or refer me to him. Dr. Fletcher, to save money has taken me out of insulin Lantus and lovaza which has precipitated pancreatitis and neuropathy again. Dr. Fletcher stated that he and Prime Care Medical Inc. would not treat my conditions.

Page 2 of 8
Dr. Fletcher is experimenting with me and has placed me in a vegetarian diet without meat salt or sugars. I have lost a total of 35 pounds due to the insufficient amount of food in another facility and in this one and Dr. Fletcher's experiment. I am always tired, I sleep 20 hours daily, I have pain around the pancreas (pancreatitis) and I have all the symptoms again of neuropathy including pins and needles, burning, itching of the lower legs that my endocrinologist managed to control. I have been eating the same things

for weeks white rice and apple sauce.

The defendants also starve the plaintiff and his last meal of the day is at 4 pm and it is not until 7 am ^{the following day} when he is ~~fed~~ ^{fed} again, a total of 15 hours without food.

Dr. Fletcher believes that he can treat hypertriglyceridemia with regular over-the-counter fish oil and that the pharmaceutical companies have "brain washed" me into believing that Lovaza works and that he can treat me with fish oil.

Page 3 of 8
I am indigent and have been since my arrest by federal Marshalls that prevent me from taking money with me so I have been unable to buy extra food from the jail and prevent my physical deterioration and weight loss.

Prune Care Medical Inc. refuses to provide me with Insulin, Lovaza and refuses to test my blood with the "finger stick" but insist that I continue to take a blood sugar lowering medication (~~Lovaza~~ Metformin). This could be fatal to me.

This facility, the Monroe County Jail, has a mice and rat infestation. Inmates have been bitten and I have strange bites on my legs. The infestation is out of control and from my cell at night ⁽²⁵⁻³⁰⁾ I see mice running around the dining area.

This facility does not meet Federal or state standards and should be closed and cleaned from biting and flying pests. The temperature on the cells is kept below a temperature fit for humans.

page 4 of 6
In this facility inmates are triage in front of other inmates and questions about their medications, HIV and hepatitis are discussed in front of everyone even when privacy areas are available. HIPAA regulations are not followed.

Defendants refuse to provide medications that are not in their formulary, because they are too expensive and recommend the condition be treated outside after completion of sentence. This is frequently a death sentence.

This is cruel and unusual punishment. The defendants also run a food commissary for the inmates that have money so the Monroe County jail has conflicting interest. In the one hand they make money by supplying food to inmates if in the other they do not supply sufficient food for the inmates. I discover by asking other inmates that they spend about \$50.00 dollar a week to supplement the meager amount of food this jail supply and makes the Jail commissary a multi millions dollar business.

Page 5 of 8
p
Because of the experimental diet of Dr. Fletcher
I feel hunger all the time and I have a fear of
starvation. I am unable to concentrate long enough
to defend my criminal case. I am fearful of
dying, I feel anxious, nervous and depressed.

The noise level inside the pods reach incredible
decibels levels and the guards do not control
or keep the noise down to a liveable level.
These levels affect the guards as well and
they are irritable and look that they
consume too much alcohol.

The noise levels may be control by placing
Mental inmates in a separate area
from normal inmates, or providing
activities.

Inmates are consuming raw Ramen
noodles soups supplied by the Jail
commissary since boiling water or a
microwave oven is not available to
the inmates. These soups may be
the cause high Blood pressure, High Cholesterol
stomach ulcers and cancers associated
with the high consumption of Sodium.
Some inmates consume as much as 20 soups
a week.

~~10/1~~
Parties:

Carlos Bagon Plaintiff - inmate # 389442
130 S. Plymouth Ave
Rochester, NY 14614

Defendants:

Monroe County Jail > at 130 S. Plymouth Ave.
Prime Care Medical Inc > Rochester NY
14614
Phone (585) 1-153-4178

Defendants:

USA > at c/o James P. Kennedy Jr.
OSHA > US Attorney
138 Delaware Ave
Buffalo, NY 14202
Phone (716) 843-5873

Remedy Sought:

An action under 42 USC 1983, Compensatory,
and all legal remedies available. Injunctive, Punitive

Jury Verdict.

Signature:

Carl B

11-29-2018

Under Penalty of Perjury.

In Forma Pauperis

Plaintiff without funds and would like to proceed in
Forma pauperis as a poor person. Carlos B 11-29-2018
Under Penalty of Perjury

CIVIL COVER SHEET

18 CV1423

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Bayon

DEFENDANTS

USA, et al

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES.)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input checked="" type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

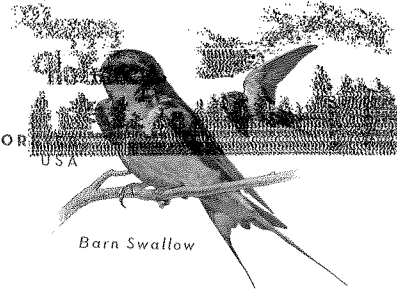
Carlos Bayon Prisoner # 399442
Location 2S-30
130 S. Plymouth Ave
Rochester, NY 14614

ROCHESTER NY 144

03 DEC 2018 PM 1 L

FOR

USA



DEC -6 2018

BUFFALO

Legal
mail

TO: US District Court
Clerks Office
2 Niagara Square
Buffalo, NY 14202

14202-335099

